UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Civil Minutes

Date: January 18, 2017   Judge: Hon. James Donato

Time: 8 Minutes

Case No.   **C-14-03985-JD**
Case Name   **Telesocial Inc. v. Orange S.A. et al**

Attorney(s) for Plaintiff(s):   Todd Briggs/Edward DeFranco/David E. Myre
                                     Kevin Johnson
Attorney(s) for Defendant(s):   Anthony D. Mirenda/Daralyn Durie/Daniel Schimmel

Deputy Clerk: Lisa Clark

PROCEEDINGS

Telephonic Status Re: Dkt. 191 - held (not reported)

NOTES AND ORDERS

The Court discusses the pending summary judgment and *Daubert* motions with both parties.
The parties are reminded that the primary form of dispute resolution in federal court is trial by a
jury. Summary judgment is appropriate within the boundaries of FRCP 56, which means each
party here should take a hard look at their current motions and ask whether, assuming all facts
and reasonable inferences in favor of the non-moving party, they are nevertheless entitled to
judgment as a matter of law. For the *Daubert* motions, the parties should make sure they are
directed to the primary inquiries of validity and reliability, and helpfulness to the jury in
understanding technical evidence. Failure to adhere to the well-established standards for these
motions will result in a short order from the Court denying them.

The pending motions are accompanied by over 2,000 pages of materials. That volume raises
serious questions about the fidelity of the motions to the governing standards, and the Court will
not undertake the backbreaking work of plowing through that unduly burdensome and excessive
record to resolve the motions. Consequently, the pending summary judgment and *Daubert*
motions are terminated without prejudice to being refiled by **January 25, 2017**. Orange may
submit no more than 250 pages of supporting materials for its motions and Telesocial may
submit no more than 75 pages. The Court believes these amounts are themselves excessive but
will accept them on this one occasion. No other pre-trial or trial dates are moved.